

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Regional Headquarters
2300 N. Dr. ML King Drive, PO Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
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TDD 414-263-8713

November 30, 1999

Mr. Jim Scheidegger
Jim's Mobil
12401 West Cleveland Avenue
New Berlin, Wisconsin 53191

SUBJECT: Request for closure, Jim's Mobil, 12401 West Cleveland Avenue, New Berlin,
Wisconsin. BRR-LUST FID#268080010.

Dear Mr. Scheidegger:

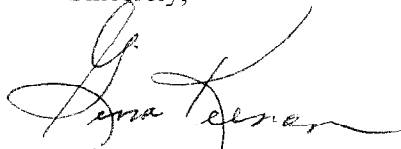
At the request of your environmental consultant, we have reviewed your case file for no further action. Based on the information provided, we concur with your consultant's recommendation of no further action and conditionally closed this case. The conditions of the closure are as follows:

1. A groundwater use restriction must be placed on the property deed at the county register of deeds office which specifies the legal description of the property, the location, type, and concentration of the contaminants and includes the language detailed in the department's deed restriction guidance.
2. Within 60 days all of the groundwater monitoring wells at the site must be abandoned in accordance with WAC NR 141 and the completed abandonment forms must be submitted to the department.

Once the department receives confirmation that the groundwater use restriction has been placed on the property deed and the groundwater monitoring abandonment forms, this case will be tracked as closed on our computer tracking system.

The department reserves the right to reopen this case pursuant to s. NR726.09, Wisconsin Administrative Code (WAC), should additional information regarding site conditions indicate contamination on or from the site poses a threat to public health, safety or welfare or the environment. If you have any questions about this letter, please call me at 414-263-8589.

Sincerely,



Gina Keenan
Hydrogeologist

c: Key Engineering Group, Ltd.
SER case file

Document Number

GROUNDWATER USE RESTRICTION

2528595

REGISTER'S OFFICE
WAUKESHA COUNTY, WI
RECORDED ON

12-28-1999 12:08 PM

MICHAEL J. HASSLINGER
REGISTER OF DEEDS

REC. FEE: 10.00
REC. FEE-CO: 4.00
REC. FEE-ST: 2.00
TRAN. FEE:
TRAN. FEE-STATE:
PAGES: 4

Declaration of Restrictions

In Re: All that part of the north East One-quarter (¼) of the South East One-quarter (¼) of Section Twelve (12), Township Six (6) North, Range Twenty (20) East, in the City of New Berlin, Waukesha County, Wisconsin, described as follows, to-wit: Commencing at the North East corner of the said South East ¼; thence South 88° 37.5' West on East and West ¼ section line (160.0) feet; thence South (218.0) feet; thence North 88° 37.5' East (160.0) feet to section line; thence North (218.0) feet to the point of commencement.

Tax Key No.: NBO 1200.999

Site Address:
12401 West Cleveland Avenue
New Berlin, Wisconsin 53191

Name and Return Address
Mr. James Scheidegger
12401 West Cleveland Avenue
New Berlin, Wisconsin 53191

STATE OF WISCONSIN)
COUNTY OF WAUKESHA) ss

Parcel Identification Number (PIN)

WHEREAS, Mr. James Scheidegger is the owner of the above-described property.

WHEREAS, petroleum discharges have occurred on this property. The petroleum discharges contaminated groundwater above NR 140 enforcement standards (ESS). Residual petroleum volatile organic compound concentrations exceeding the respective NR Ess exist in the vicinity of recovery well RW-2 and RW-3, located to the northwest of the building located on the property. The most recent groundwater sampling activities were conducted on March 19, 1998.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further groundwater or soil remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Wisconsin Department of Natural Resources to remediate groundwater contamination exceeding NR 140 groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality does not comply with drinking water standards in NR 809 is restricted by NR 811 and NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Wisconsin Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed on this property unless applicable requirements are met.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 16 day of December, 1999.

Signature:

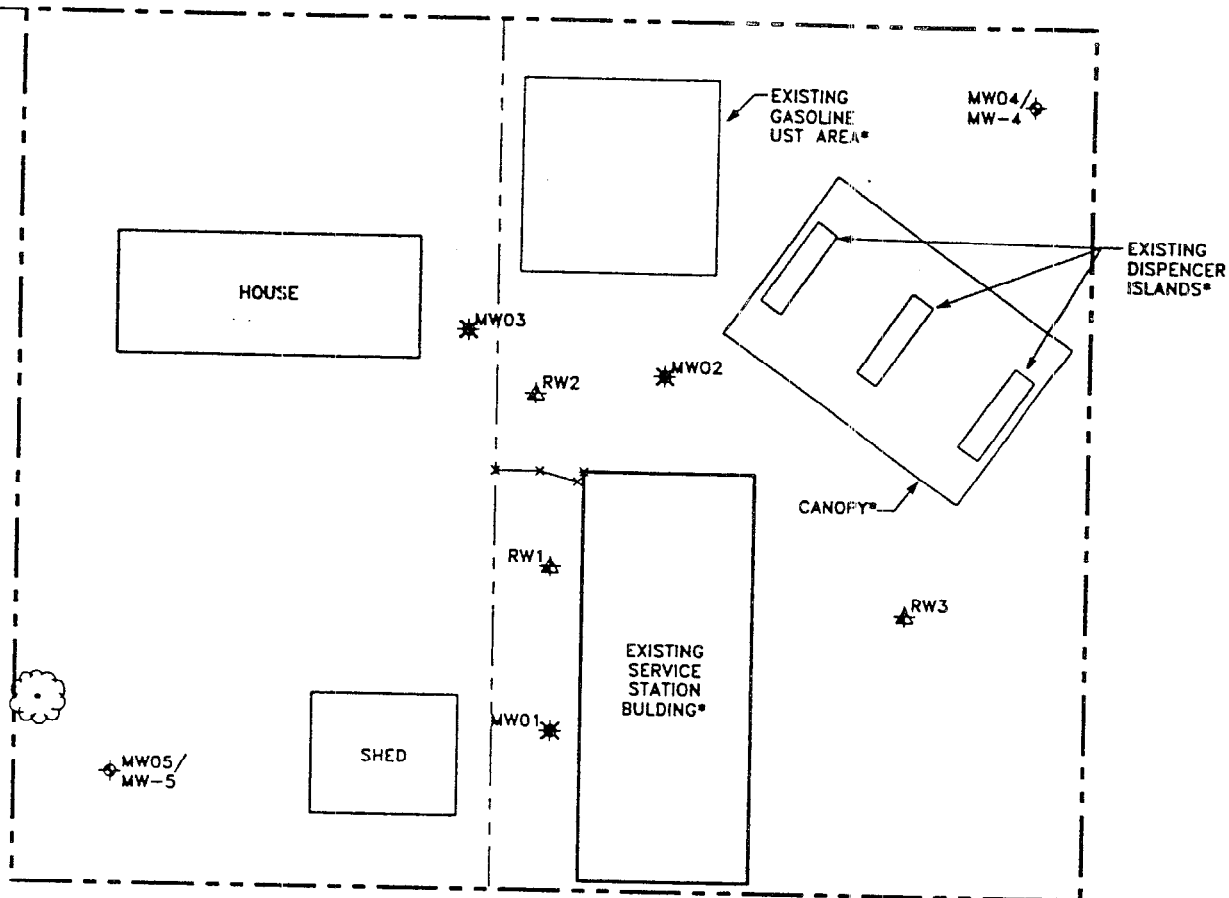
Printed Name: JIM SCHEFFELER

Subscribed and sworn to before me
this 16 day of December, 1999

Arlene Koocher
Notary Public, State of Wisconsin

My commission 8-11-2002

This document was drafted by the Wisconsin Department of Natural Resources.



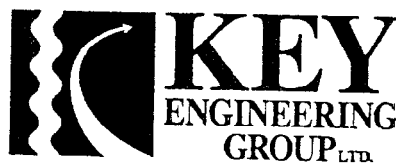
LEGEND

- ▲ RECOVERY WELL LOCATION
- ◆ MONITORING WELL LOCATION
- * ABANDONED MONITORING WELL LOCATION
- LOCATION APPROXIMATE

NOTE:

MW01, MW02 AND MW03 WERE ABANDONED AND REMOVED DURING THE SOIL EXCAVATION PROCESS

0 20 40
APPROXIMATE SCALE: 1"=40'



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FIGURE 5
POST-REMEDIATION ACTION
MONITORING WELL AND
RECOVERY WELL CONFIGURATION

JIM'S MOBIL
12401 WEST CLEVELAND AVENUE
NEW BERLIN, WISCONSIN

DRN. BY:	J.J.J.	DATE:	07/22/99
DSN. BY:	M.L.B.	FILE NO.:	0301021
CHK. BY:	R.A.A.	DWG. NO.:	03010217
REV. BY:	G.L.J.	SHEET NO.:	14

TABLE 1

SUMMARY OF GROUNDWATER SAMPLE ANALYTICAL RESULTS

QUARTERLY GROUNDWATER MONITORING

JIM'S MOBIL
12401 West Cleveland Avenue
New Berlin, Wisconsin

WELL NO.	DATE SAMPLED	GRO mg/l	BENZENE ug/l	TOLUENE ug/l	ETHYLBENZENE ug/l	XYLENE ug/l	MTBE ug/l	TOTAL TMBs ug/l
RW-1	8/25/92	---	0.34	2.90	0.55	1.79	---	0.59
	3/26/93	---	0.4	1.8	0.6	0.4	---	0.7
	6/15/93	0.5	3.2	<0.1	7.3	40.0	---	20.4
	10/1/93	<0.1	<1.0	2.0	<1.0	6.3	10	1.0
	3/8/94	<0.1	1.9	1.2	<1.0	<2.0	17	2.7
	3/29/94	0.330	7	5.9	2.2	14	70 E	4.3
	6/20/94	<0.5	15	19	<5.0	<10	250	<10.0
	11/4/94	0.033	79	11	2.5	33	400 E	5.8
	1/13/95	0.240	48	3.7	2.1	3.4	100	1.1
	7/28/95	2.4	440	200	<75	27	2,400	<50
	11/16/95	0.340	34	12	3.4	31.1	<1.0	19
	5/6/96	10	800	2,100	130	1,640	120	1,140
	4/7/97	1.10	270	540	7.1	56	87	3.9 (Q)
	8/25/97	1.10	16	47	0.95	6.2	5.0	<0.64
	11/26/97	0.80	160	330	5.4	46	41	1.8 Q
	3/19/98	<0.05	<0.26	0.51 Q	<0.24	<1.34	<0.22	<1.40
RW-2	8/26/92	---	43	2.11	6.61	7.23	---	7.30
	12/18/92	0.24	1.10	0.38	1.50	1.72	---	1.32
	3/26/93	---	13	4.8	10.1	4.9	---	5.0
	6/15/93	<0.1	<0.1	0.3	0.2	1.0	---	0.5
	10/1/93	12	1,800	4,900	<100	790	2,600	<200
	11/8/93 *	18	2,400	5,900 E	120	1,400	3,300	130
	3/8/94 *	19	9,800 E	8,300 E	220	1,600	1,100	210
	3/29/94 *	17	3,100 E	6,500 E	200	1,500	880	340
	6/20/94 *	40	6,700	14,000	<250	2,000	2,100	380
	11/4/94	27	1,700	4,400	270	4,100 E	<50	2,920
	1/13/95	17	1,500	6,100	320	3,800	710	750
	7/28/95	13	770	2,700	180	3,400	750	1,660
	11/16/95	16	260	1,200	130	3,400	180	3350
	5/6/96	1.30	170	210	4.2	27	290	<5.0
	4/7/97	8.60	610	1,600	110	1,280	110	1,140
	8/25/97	9.80	600	1,600	150	1,580	64	1,100
	11/26/97	11.0	580	2,000	200	2,100	51	1,200
	3/19/98	4.60	260	560	77	860	50	670
RW-3	8/25/92	---	<0.1	0.13	<0.1	0.68	---	<0.2
	12/18/92	0.31	0.67	0.46	1.73	2.19	---	1.04
	3/26/93	---	33.3	170	70.7	82.0	---	19.2
	6/15/93	0.77	35.9	76.1	3.8	21	---	2.4
	10/1/93	0.75	3.7	21	4.4	25	51	3.9
	3/8/94 *	1.20	35	47	<10	26	260	<20
	3/29/94 *	1.00	38	19	6.1	36	250	<10.0
	6/20/94 *	<1.0	12	14	<10	<20	820	<20
	11/4/94	1.0	12	22	5.1	47	830 E	16.1
	1/13/95	0.88	73	41	4.1	24	620 E	25.1
	7/28/95	1.60	350	250	8.4	56	480	8.7
	11/16/95	1.90	400	310	9.5	56	660	<10.0
	5/6/96	1.80	240	150	8.7	52	620	11.7
	4/7/97	950	210	84	6.2 (Q)	40	820	10.0 (Q)
	8/25/97	1.30	360	110	5.9	36	580	5.7 Q
	11/26/97	0.83	150	59	6.4	40	<0.40	6.8
	3/19/98	0.64	91	170	23	107	17	28.6
MW01	11/15/91	0.5	<0.6	1.4	<1.5	<2.5	<1.3	<6.9
MW02	11/15/91	18	2,500	1,400	460	1,770	<1.3	325
MW03	11/16/91	27.0	2,200	990	1,500	3,500	<1.3	1,170
MW04/MW-4	11/15/91	0.2	<0.6	<2.0	<1.5	1.9	<1.3	3.3
	12/18/92	<0.10	<0.10	<0.10	<0.10	<0.10	---	<0.20
	3/26/93	---	<0.1	<0.1	<0.1	<0.1	---	<0.2
	6/15/93	<0.1	<0.1	<0.1	<0.1	<0.1	---	<0.2
	10/1/93	<0.1	<1.0	<1.0	<1.0	<2.0	<1.0	<2.0
	3/8/94	<0.1	<1.0	<1.0	<1.0	<2.0	<1.0	<2.0
	6/20/94	<0.1	<1.0	<1.0	<1.0	<2.0	<1.0	<2.0
	11/4/94	<0.1	<1.0	<1.0	<1.0	<2.0	<1.0	<2.0
	7/28/95	<0.05	<0.6	<1.0	<1.0	<2.0	<1.0	<2.0
	1/13/95	<0.1	<1.0	<1.0	<1.0	<2.0	<1.0	<2.0
MW05/MW-5	11/15/91	<0.1	<0.6	<2.0	<1.5	<3.8	<1.3	<6.9
	12/18/92	<0.10	<0.10	<0.10	<0.10	<0.10	---	<0.20
	3/26/93	---	<0.1	<0.1	<0.1	<0.1	---	<0.2
	6/15/93	<0.1	<0.1	<0.1	<0.1	<0.1	---	<0.2
	10/1/93	<0.1	<1.0	<1.0	<1.0	<2.0	<1.0	<2.0
	6/20/94	<0.1	<1.0	<1.0	<1.0	<2.0	<1.0	<2.0
	11/4/94	<0.1	<1.0	<1.0	<1.0	<2.0	<1.0	<2.0
	1/13/95	<0.1	<1.0	<1.0	<1.0	<2.0	<1.0	<2.0
	7/28/95	<0.05	<0.6	<1.0	<1.0	<2.0	<1.0	<2.0
	11/16/95	<0.05	<0.6	<1.0	<1.0	<2.0	<1.0	<2.0
	5/6/96	<0.05	<0.6	<1.0	<1.0	<2.0	4.9	<1.0
	4/7/97	<0.05	<0.20	<0.40	<0.30	<1.1	<0.20	<0.60
	8/25/97	<0.05	<0.16	<0.36	<0.29	<1.15	<0.20	<0.64
	11/26/97	<0.05	<0.16	<0.36	<0.29	<1.15	<0.20	<0.64
	3/19/98	<0.05	<0.26	<0.21	<0.24	<1.34	<0.22	<1.40
NR 140	ES	NEL	5	343	700	620	50	480
	PAL	NEL	0.5	68.6	140	124	12	96

Notes:

* - laboratory note - elevated detection limit due to sample concentration.

--- - not analyzed

< - less than

Bold values exceed the NR 140 PAL for that substance.

E - laboratory note - estimated concentration, analyte was above the calibration range

ES - NR 140 Enforcement Standard

GRO - Gasoline Range Organics

mg/l - milligrams per liter

MTBE - methyl tert-butyl ether

MW-01, 02 and 03 were abandoned (removed) during soil excavation (July 1992)

NEL - no established NR 140 standard

NR 140 - Chapter NR140 of the Wisconsin Administrative Code

PAL - NR 140 Preventive Action Limit

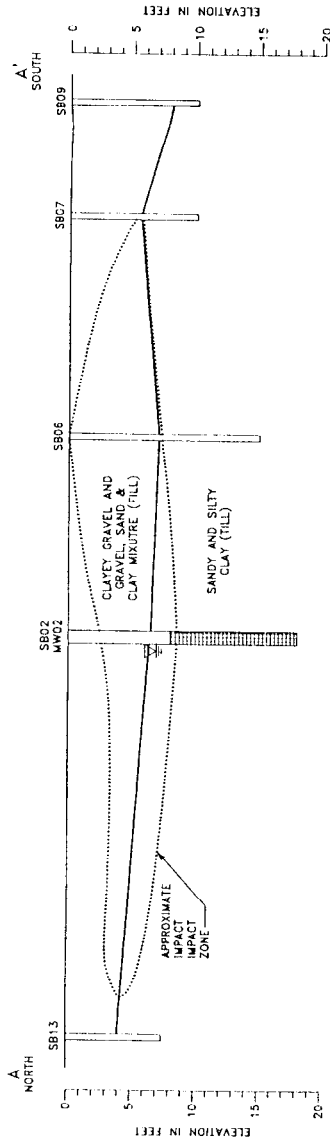
Q - Result falls between limit of detection and limit of quantitation

Shaded values exceed the NR 140 ES for that substance

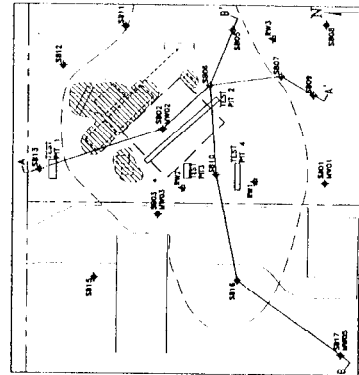
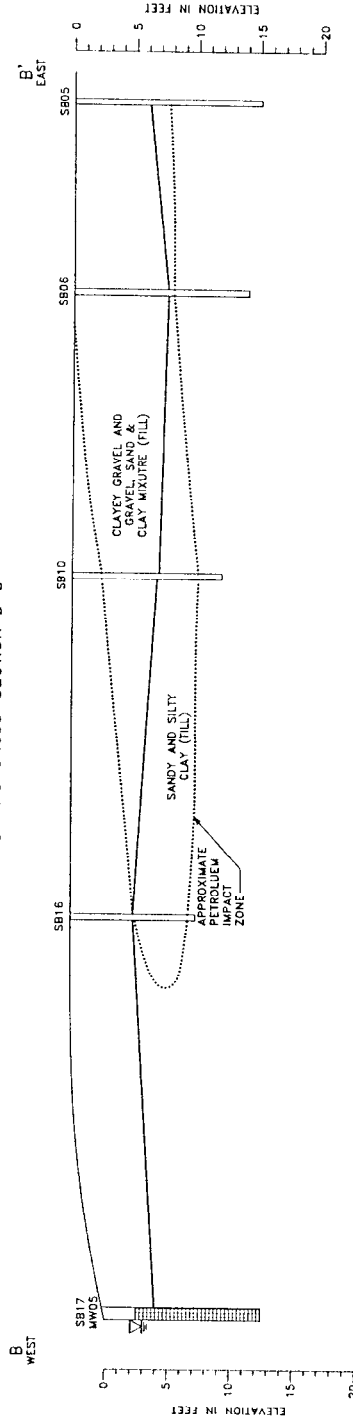
TOTAL TMBs - 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene

ug/l - micrograms per liter

SCHEMATIC CROSS-SECTION A-A'



SCHEMATIC CROSS-SECTION B-B'



CROSS-SECTION LOCATION MAP



DRN. BY: J.J.J.	DATE: 08/19/99
DSN. BY: M.L.B.	FILE NO.: 0301021
CHK. BY: R.A.A.	DWG. NO.: 03010218
REV. BY: G.L.J.	SHEET NO.: 15

LEGEND
GROUNDWATER LEVEL
GROUNDWATER MONITORING WELL SCREEN INTERVAL

SOURCE: Cross-section Diagrams
Cooper Environmental Resources, Inc.
January 17, 1992
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FIGURE 3
PRE-REMEDIATION SCHEMATIC
CROSS-SECTIONS A-A' & B-B'

JIM'S MOBIL
12401 WEST CLEVELAND AVENUE
NEW BERLIN, WISCONSIN